

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, JULY 27 AND 28, 2009
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

REPORTING THE RESULT OF THE CLOSED SESSION MEETING

Only items that can be disclosed are reported out in the Open Session of the regular City Council Meeting. Public comment on Closed Session items are taken in Open Session. Please refer to the City Clerk’s minutes for Open Session for more information. Assistant City Attorney Mary Jo Lanzafame reports the results of the Closed Session Meeting of July 27 and 28, 2009, as follows:

CLOSED SESSION MEETING FOR MONDAY, JULY 27, 2009

ROLL CALL:

Present: Mayor Sanders, Council President Hueso, and Councilmembers Lightner, Gloria, DeMaio, Frye, and Emerald

Absent: Council President Pro Tem Faulconer - CD-2 (Absent for all Items but Item CS-10 heard on this date.)
Councilmember Young-CD-4 (Absent for Item CS-2.)

CLOSED SESSION ITEMS:

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

CS-1 *City v. A.J. Diana Construction, Inc.; Granite Construction Company*
San Diego Superior Court Case No. 37-2006 00094185-CU-OH-CTL

DCA Assigned: Daniel F. Bamberg

Report: Nothing to report

CS-2 *City of San Diego v. MBM*
San Diego Superior Court Case No. GIC 878013

DCA Assigned: J. Cordileone

Report: Nothing to report

- CS-3** *Christian Ivan Heredia Bejarano, et al. v. City of San Diego et al.*
San Diego Superior Court Case No. 37-2007-00081844-CI-PA-CTL

DCA Assigned: K. Snyder

Report: Nothing to report

- CS-5** *Friends of Rose Canyon v. City of San Diego*
San Diego Superior Court Case No. 37-2007-00082383

DCA Assigned: C. Brock

Report: Nothing to report

- CS-6** *Ace Properties v. City of San Diego*
San Diego Superior Court Case No. GIC 872333-1

DCA Assigned: G. Spitzer

Report: Nothing to report

- CS-7** *Brian Lucas v. City of San Diego*
San Diego Superior Court Case No. 37-2008-00082811-CU-PO-CTL

DCA Assigned: D. Shanahan

Report: Nothing to report

- CS-9** *San Diego Police Officers' Association, et al. v. Michael Aguirre, et al.*
U.S. District Court Case No. 05-cv-1581 H (POR) and
Ninth Circuit Case No. 07-560004 (SDPOA 1A)

San Diego Police Officers' Association, et al. v. City of San Diego, et al.
Superior Court Case No. 37-2007-00075432 (SDPOA 1B)

Erica Aaron, et al. v. City of San Diego, et al.
U.S. District Court Case No. 06cv1451 H (POR) (SDPOA 3A)

Erica Aaron, et al. v. City of San Diego, et al.
San Diego Superior Court Case No. 37-2008-00093078 (SDPOA 3B)

Mark S. Annis, et al. v. City of San Diego, et al.
San Diego Superior Court Case No. 37-2008-00092949 (SDPOA 3C)

DCA Assigned: G. Schaefer

Report: Nothing to report

CS-10 San Diego Bay Shipyard Sediment Removal

Regional Water Quality Control Board Cleanup & Abatement Order No. R9-2005-0126

CA Assigned: D. Karlin

Motion: Seek authorization to file action for contribution of clean-up costs.
Moved: Council President Hueso - Dist. 8
Seconded: Councilmember Emerald - Dist. 7
Vote: 8/0 [Passed Unanimously]
Absent: All Present
Report: The following is the report out regarding this item in Open Session
by Assistant City Attorney Mary Jo Lanzafame on Tuesday, July 28, 2009,
@10:10 p.m.:

Additionally, in Closed Session on July 27, 2009, the City Council voted on Closed Session Item No. 10 in the matter of the San Diego Bay Shipyard Sediment Removal, Regional Water Quality Control Board Cleanup & Abatement Order No. R9-2005-0126, authorizing the City Attorney to initiate litigation against other responsible parties for contribution of the clean-up costs.

The motion passed unanimously 8 to 0.

Conference with Legal Counsel - anticipated litigation - initiation of litigation, pursuant to California Government Code section 54956.9(c):

CS-13 Number of Cases: Two

Report: Nothing to report

CLOSED SESSION MEETING FOR TUESDAY, JULY 28, 2009

ROLL CALL:

Present: Mayor Sanders, Council President Hueso, Council President Pro Tem Faulconer, and Councilmembers Lightner, Gloria, DeMaio, Frye, and Emerald

Absent: All Present

CLOSED SESSION ITEMS:

CS-4 *Affordable Housing Coalition of San Diego County, et al. v. City of San Diego*
San Diego Superior Court No. 37-2007-00075629-CU-TT-CTL

DCA Assigned: C. Brock
Outside Counsel: J. Kuperberg

Motion: Authorize execution of settlement agreement whereby the Petitioners have waived their right to appeal the trial court's ruling in favor of the City, in exchange for the City's waiver of its right to recover \$5,812 in "prevailing party" court costs

Moved: Council President Hueso - Dist. 8

Seconded: Councilmember Emerald - Dist. 7

Vote: 8/0 [Passed Unanimously]

Absent: All Present

Report: The following is the report out regarding this item in Open Session by Assistant City Attorney Mary Jo Lanzafame on Tuesday, July 28, 2009, @10:10 p.m.:

Today, in Closed Session, the City Council voted on Closed Session Item No. 4 in the matter of the *Affordable Housing Coalition of San Diego County, et al. v. City of San Diego*, San Diego Superior Court Case No. 37-2007-00075629-CU-TT-CTL, to authorize execution of the settlement agreement whereby the Petitioners have waived their right to appeal the trial court's ruling in favor of the City, in exchange for the City's waiver of its right to recover \$5,812 in "prevailing party" court costs. Petitioners have signed a Settlement Agreement setting forth those terms in full and final settlement of the lawsuit.

The motion passed unanimously 8 to 0.

CS-8 *Marcus Abbe v. City of San Diego (POA II)*

United States District Court for the Southern District of California Case No. 05-CV-1629 and
United States District Court for the Southern District of California Case No. 06-CV-0538

DCA Assigned: G. Schaefer

Report: Nothing to report

Conference with Real Property Negotiator, pursuant to California Government Code section 54956.8:

CS-11 Property: 3220 Sports Arena Blvd., San Diego, CA 92110
(APN-441-590-04 Portion)

Agency Negotiator: James Barwick, Director Real Estate Assets Department

Negotiating Parties: City of San Diego; Pier One Imports (U.S.), Inc.

Under Negotiation: Lease extension for Pier One Imports

DCA Assigned: B. Ladewig

Report: Nothing to report

CS-12 Property: 3889 Midway Drive, San Diego, CA 92110; Stonewood Garden
Apartments Land

Agency Negotiator: James Barwick, Director, Real Estate Assets Department

Negotiating Parties: City of San Diego; San Diego Housing Commission

Under Negotiation: Purchase of fee interest in land under Stonewood Garden Apartments

DCA Assigned: B. Ladewig

Report: Nothing to report

REPORTED BY:


Mary Jo Lanzafame
Assistant City Attorney